

volume control; and newly purchased and replacement telephones in workplaces, confined settings and hotels and motels must have volume control on or after January 1, 2000. There are no other recordkeeping or other compliance requirements.

*g. Report to Congress:* The Commission will include a copy of this Supplementary Final Regulatory Flexibility Analysis, along with this *Order on Reconsideration*, in a report to Congress pursuant to the Small Business Regulatory Enforcement Fairness Act of 1996, 5 U.S.C. Section 801(a)(1)(A). A copy of this SFRFA (or summary thereof) is also published herein.

#### Ordering Clauses

Accordingly, *It Is Ordered* that pursuant to Sections 1, 4, 405, and 710 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154, 405 and 610, part 68 of the Commission's rules Is Amended as set forth below.

2. *It Is Further Ordered* that, pursuant to Sections 1, 4, 405, and 710 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154, 405 and 610, the Petition for Reconsideration filed by the Consumer Electronics Manufacturers Association is granted to the extent indicated herein, and otherwise *Denied*.

3. *It Is Further Ordered* that the rule amendments set forth below shall be effective September 15, 1997.

#### List of Subjects in 47 CFR Part 68

Administrative practice and procedure, Communications common carriers, Communications equipment, Hearing aid compatibility, Labeling, Reporting and recordkeeping requirements, Telephone, Volume control.

Federal Communications Commission.

**William F. Caton,**

*Acting Secretary.*

#### Rule Changes

Part 68 of Title 47 of the Code of Federal Regulations is amended as follows:

#### PART 68—CONNECTION OF TERMINAL EQUIPMENT TO THE TELEPHONE NETWORK

1. The authority citation for Part 68 is revised to read as follows:

**Authority:** 47 U.S.C. 154, 155, 303.

2. Section 68.6 is revised to read as follows:

##### § 68.6 Telephones with volume control.

As of January 1, 2000, all telephones, including cordless telephones, as defined in § 15.3(j) of this chapter,

manufactured in the United States (other than for export) or imported for use in the United States, must have volume control in accordance with § 68.317. Secure telephones, as defined by § 68.3 are exempt from this section, as are telephones used with public mobile services or private radio services.

3. Section 68.112 is amended by revising paragraphs (b)(3)(ii), (b)(3)(iii), (b)(3)(iv), (b)(5)(ii), and (b)(6)(i), to read as follows:

##### § 68.112 Hearing aid-compatibility.

\* \* \* \* \*

(b) \* \* \*

(3) \* \* \*

(ii) As of January 1, 2000 or January 1, 2005, whichever date is applicable, there shall be a rebuttable presumption that all telephones located in the workplace are hearing aid compatible, as defined in § 68.316. Any person who identifies a telephone as non-hearing aid-compatible, as defined in § 68.316, may rebut this presumption. Such telephone must be replaced within fifteen working days with a hearing aid compatible telephone, as defined in § 68.316, including, on or after January 1, 2000, with volume control, as defined in § 68.317.

(iii) Telephones, not including headsets, except those headsets furnished under paragraph (b)(3)(i)(A) of this section, that are purchased, or replaced with newly acquired telephones, must be:

(A) Hearing aid compatible, as defined in § 68.316, after October 23, 1996; and

(B) Include volume control, as defined in § 68.317, on or after January 1, 2000.

(iv) When a telephone under paragraph (b)(3)(iii) of this section is replaced with a telephone from inventory existing before October 23, 1996, any person may make a bona fide request that such telephone be hearing aid compatible, as defined in § 68.316. If the replacement occurs on or after January 1, 2000, the telephone must have volume control, as defined in § 68.317. The telephone shall be provided within fifteen working days.

\* \* \* \* \*

(5) \* \* \*

(ii) Telephones that are purchased, or replaced with newly acquired telephones, must be:

(A) Hearing aid compatible, as defined in § 68.116, after October 23, 1996; and

(B) Include volume control, as defined in § 68.317, on or after January 1, 2000.

\* \* \* \* \*

(6) \* \* \*

(i) Anytime after October 23, 1996, if a hotel or motel room is renovated or newly constructed, or the telephone in a hotel or motel room is replaced or substantially, internally repaired, the telephone in that room must be:

(A) Hearing aid compatible, as defined in § 68.316, after October 23, 1996; and

(B) Include volume control, as defined in § 68.317, on or after January 1, 2000.

\* \* \* \* \*

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#### DEPARTMENT OF COMMERCE

#### National Oceanic and Atmospheric Administration

#### 50 CFR Part 660

[Docket No. 970429101-7101-01; I.D. 070297B]

#### Fisheries Off West Coast States and in the Western Pacific States; West Coast Salmon Fisheries; Inseason Adjustment From the Queets River to Leadbetter Point, WA

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Inseason adjustment; request for comments.

**SUMMARY:** NMFS announces that the daily bag limit for the recreational salmon fishery in the area from the Queets River to Leadbetter Point, WA, is two fish, only one of which may be a chinook, beginning the season opening date of July 21, 1997. This action is intended to help meet the recreational season duration objectives for this subarea.

**DATES:** Effective July 21, 1997, through September 25, 1997. Comments will be accepted through August 28, 1997.

**ADDRESSES:** Comments may be mailed to William Stelle, Jr., Regional Administrator, Northwest Region, NMFS (Regional Administrator), 7600 Sand Point Way NE., Seattle, WA 98115-0070. Information relevant to this action is available for public review during business hours at the office of the Regional Administrator.

**FOR FURTHER INFORMATION CONTACT:** William Robinson, 206-526-6140.

**SUPPLEMENTARY INFORMATION:** In the annual management measures for ocean salmon fisheries (62 FR 24355, May 5, 1997), NMFS announced that the recreational fishery in the subarea between the Queets River and

Leadbetter Point, WA, would open July 21, 1997 and continue through the earlier of September 25, 1997, or attainment of the 14,000 coho subarea quota, with a bag limit of two fish per day. Inseason management may be used to sustain season length and keep harvest within a guideline of 3,000 chinook.

The best available information on June 4, 1997, indicated that the 1985–1993 average of recreational catch ratios is 4.7 coho to 1 chinook, which is similar to the ratio of the coho quota to the chinook guideline for this fishery. Concern was expressed that this year's relative abundance of coho to chinook might be lower and that the chinook guideline could be achieved first, thus leaving a large portion of the coho quota unharvested. To optimize angler opportunity to fish on the available coho stocks, it is necessary to limit the retention of chinook at the beginning of the season by changing the bag limit to two fish, only one of which may be a chinook.

Modification of recreational bag limits is authorized by regulations at 50 CFR 660.409(b)(1)(iii). All other restrictions that apply to this fishery remain in effect as announced in the annual management measures, including the restriction of no more than four fish in 7 consecutive days.

The Regional Administrator consulted with representatives of the Pacific Fishery Management Council, the Washington Department of Fish and Wildlife, and the Oregon Department of Fish and Wildlife regarding this adjustment. The State of Washington will manage the recreational fishery in state waters adjacent to this area of the exclusive economic zone in accordance with this Federal action. As provided by the inseason notification procedures of 50 CFR 660.411, actual notice to fishermen of this action was given prior to 2400 hours local time, July 20, 1997, by telephone hotline number 206–526–6667 and 800–662–9825 and by U.S. Coast Guard Notice to Mariners broadcasts on Channel 16 VHF-FM and 2182 kHz. Because of the need for immediate action to modify the bag limit before the opening of this fishery, NMFS has determined that good cause exists for this notice to be issued without affording a prior opportunity for public comment. This action does not apply to other fisheries that may be operating in other areas.

### Classification

This action is authorized by 50 CFR 660.409 and 660.411 and is exempt from review under E.O. 12866.

**Authority:** 16 U.S.C. 1801 *et seq.*

Dated: August 8, 1997.

**Gary C. Matlock,**

*Director, Office of Sustainable Fisheries,  
National Marine Fisheries Service.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 679

[Docket No. 961126334–7025–02; I.D. 080897B]

#### Fisheries of the Economic Exclusive Zone Off Alaska; Shallow-water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Closure.

**SUMMARY:** NMFS is closing directed fishing for species that comprise the shallow-water species fishery by vessels using trawl gear in the Gulf of Alaska (GOA), except for vessels fishing for pollock using pelagic trawl gear in those portions of the GOA open to directed fishing for pollock. This action is necessary because the third seasonal bycatch allowance of Pacific halibut apportioned to the shallow-water species fishery in the GOA has been caught.

**DATES:** Effective 1200 hrs, Alaska local time (A.l.t.), August 11, 1997, through 1200 hrs, A.l.t., October 1, 1997.

**FOR FURTHER INFORMATION CONTACT:** Thomas Pearson, 907–486–6919.

**SUPPLEMENTARY INFORMATION:** The groundfish fishery in the GOA exclusive economic zone is managed by NMFS according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Fishing by U.S. vessels is governed by regulations implementing the FMP at subpart H of 50 CFR part 600 and 50 CFR part 679.

The prohibited species bycatch mortality allowance of Pacific halibut

for the GOA trawl shallow-water species fishery, which is defined at § 679.21(d)(3)(iii)(A), was established as 200 metric tons by the Final 1997 Harvest Specifications of Groundfish for the GOA (62 FR 8179, February 24, 1997) for the third season, the period July 1, 1997 through September 30, 1997.

In accordance with § 679.21(d)(7)(i), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the third seasonal apportionment of the 1997 Pacific halibut bycatch mortality allowance specified for the trawl shallow-water species fishery in the GOA has been caught. Consequently, the Regional Administrator is closing directed fishing for the species that comprise the shallow-water species fishery by vessels using trawl gear in the GOA, except for vessels fishing for pollock using pelagic trawl gear in those portions of the GOA open to directed fishing for pollock. The species and species groups that comprise the shallow-water species fishery are: pollock, Pacific cod, shallow-water flatfish, flathead sole, Atka mackerel, and “other species”.

Maximum retainable bycatch amounts may be found in the regulations at § 679.20(e) and (f).

This action responds to the best available information recently obtained from the fishery. It must be implemented immediately to prevent exceeding the third seasonal allowance of halibut mortality in the GOA. A delay in the effective date is impracticable and contrary to public interest. The fleet will soon take the seasonal allowance of halibut mortality. Further delay would only result in the seasonal allowance being exceeded and disrupt the FMP's objective of seasonally apportioning halibut mortality throughout the year. NMFS finds for good cause that the implementation of this action cannot be delayed for 30 days. Accordingly, under U.S.C. 553(d), a delay in the effective date is hereby waived.

### Classification

This action is required by 50 CFR 679.21 and is exempt from review under E.O. 12866.

**Authority:** 16 U.S.C. 1801 *et seq.*

Dated: August 8, 1997.

**Gary C. Matlock,**

*Director, Office of Sustainable Fisheries,  
National Marine Fisheries Service.*

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